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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 MICHAEL F. SCHULZE,

CASE NO. CV-F-05-0180 AWI LJO

12 Plaintiff,

**ORDER TO SHOW CAUSE WHY SUMMONS  
AND COMPLAINT HAVE NOT BEEN  
SERVED TO COMPLY WITH F.R.Civ.P. 4**

13 vs.

14 FEDERAL BUREAU OF  
INVESTIGATION, et al,

15 Defendants.  
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17 Plaintiff Michael F. Schulze ("plaintiff") proceeds pro se and on February 9, 2005, filed his  
18 complaint to allege that several federal agencies violated the Freedom of Information Act and the  
19 Privacy Act, 5 U.S.C. §§ 552 and 552a. To date, plaintiff has filed no documents to show proof of  
20 service of the summons and complaint on defendants to comply with F.R.Civ.P. 4(i) and (m). No  
21 defendant has appeared in this action.

22 F.R.Civ.P.4(m) provides in part:

23 If service of the summons and complaint is not made upon a defendant within  
24 120 days after the filing of the complaint, the court, upon motion or on its own initiative  
25 after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant  
26 or direct that service be effected within a specified time; provided that if the plaintiff  
shows good cause for the failure, the court shall extend the time for service for an  
appropriate period.

27 This Court ORDERS plaintiff, no later than July 11, 2005, to show cause in writing why plaintiff  
28 has failed to: (1) file documents to show proof of service of the summons and complaint on defendants

1 to comply with F.R.Civ.P. 4(i); and (2) accomplish service of the summons and complaint within 120  
2 days of filing the complaint to comply with F.R.Civ.P. 4(m) .

3 **Plaintiff is admonished that this Court will recommend dismissal of this action if plaintiff**  
4 **fails to comply with this order and to show good cause for failure to accomplish service of the**  
5 **summons and complaint.**

6 IT IS SO ORDERED.

7 **Dated: June 20, 2005**  
66h44d

/s/ Lawrence J. O'Neill  
UNITED STATES MAGISTRATE JUDGE